UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

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THIRD COMMITTEE
46th meeting
held on
Wednesday, 20 November 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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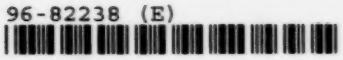

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Parts I and II), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/51/L.32 and L.35/Rev.1);

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 290, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and 2, 552, 555, 558, 561, 641 and 650; A/C.3/51/6)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mrs. ARYSTANBEKOVA (Kazakstan) said that her country attached particular importance to maintaining civil peace and harmony and protecting human rights during its transition period of economic and political reform. In its five years as an independent State, Kazakstan had sought in particular to strengthen its State sovereignty and select the most acceptable political system. The adoption of a new constitution, the establishment of a parliament and the start of judicial and legal reforms had made it possible to deal more effectively with the problems of ensuring human rights and freedoms as a basic prerequisite for harmonizing social and inter-ethnic relations. Her country's new Constitution recognized human rights and freedoms as the highest values without distinction as to race, sex, language, religion and political or other beliefs. Kazakstan's Commission on Human Rights provided assistance in carrying out constitutional obligations with respect to the rights and freedoms of citizens, defined State policy in that field and cooperated with recognized international human rights agencies and non-governmental organizations.

2. Her Government was developing a draft State programme to serve as a goal-oriented plan of activities aimed at protecting human rights. The Commission was currently giving great attention to the need to educate people about their rights and ways to protect them. In that connection, Kazakstan had established a working group to formulate a national plan of action for achieving the goals of the United Nations Decade for Human Rights Education.

3. Her country's Commission on Human Rights was also drawing up a plan for establishing a scientific and educational human rights centre. It was hoped that the United Nations Centre for Human Rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other United Nations agencies, would assist that and other efforts in the field of human rights education. Kazakstan was developing its domestic policy in accordance with the Vienna Declaration and Programme of Action, which provided a broad legal and political basis for protecting human rights.

4. Mr. BORDA (Colombia) said it was a matter of increasing concern that the submission of reports by the special rapporteurs directly to the General Assembly might further politicize the question of human rights and weaken the work of the Commission on Human Rights. His delegation was also concerned that some States were assuming the right to evaluate human rights situations in other countries in order to conceal human rights violations in their own territory. Colombia would continue to oppose any attempt to supplant the multilateral mechanisms for evaluating the conduct of States in the field of human rights.

5. His delegation stressed the importance of the right to development and the need for action to remove the obstacles to implementing that right, including efforts at the national level. Colombia commended the work of the High Commissioner for Human Rights, as described in his report (A/51/36), and his efforts to promote the right to development. It looked forward to the results of his conversations with international financial institutions and development agencies in order to identify practical ways to strengthen economic and human rights programmes in the various spheres of competence. All such coordination that enhanced the implementation of the right to development would be welcomed. His country also expressed its enthusiastic support for the efforts by the High Commissioner to restructure the Centre for Human Rights, which would improve the Centre's ability to promote and protect all human rights, and noted with satisfaction that the High Commissioner was carrying out his mandate properly in that way. Colombia was continuing to cooperate fully with the various United Nations human rights mechanisms and had welcomed their recommendations. As part of its overall policy for defending human rights and humanitarian law, it had adopted a law on compensation to the victims of human rights violations and had signed an agreement with the High Commissioner for Human Rights on the establishment of an office of the High Commissioner in Colombia. In spite of the social difficulties facing it, his country would continue to cooperate fully with the human rights mechanisms.

6. Mr. MATEŠIĆ (Croatia) said that, from its foundation, the modern Republic of Croatia had been concerned not only with the task of nation-building and the transition to a market economy, but also with the creation of a democratic society based on respect for human rights. That process had taken place against the background of a brutal conflict. However, it was to be hoped that the return of Eastern Slavonia to Croatia, together with the normalization of relations with neighbouring countries, the conclusion of peace in Bosnia and Herzegovina and the creation of a balance of power in the region, would mark the end of that tragic period in his country's history.

7. Following the involvement of the international community in the region, his Government's record on human rights had come under close scrutiny. While such concern was legitimate, the situation of human rights in Croatia did not

constitute a threat to international peace and security and did not, therefore, require consideration by the Security Council. Undoubtedly there were other States in which the human rights situation was far worse, yet Croatia was the only country to be subjected to such scrutiny. He urged the international community to consider Croatia's record in the light of the difficult circumstances in which the country had found itself.

8. With the end of the conflict in the region, his Government could focus on the strengthening of Croatia's democratic institutions and market economy. As the Croatian people's needs for physical and economic security were met, attention would be turned to the promotion of their human rights. That process would be facilitated by Croatia's integration into European and transatlantic economic, political and security organizations. Croatia's recent admission into the Council of Europe was the first step in that direction. On that occasion, his Government had signed a number of European instruments on the promotion of human rights, the protection of minorities and the prevention of torture and had recognized the competence of European institutions in the field of human rights.

9. Minorities composed some 15 per cent of the population of Croatia and their rights were guaranteed by law. During the recent conflict, some members of the Serbian minority had taken part in aggression against the Croatian State. Many ethnic Serbs, however, had remained loyal citizens and they had suffered the consequences of the war alongside their Croatian compatriots. Currently, only a few thousand elderly Serbs remained in Croatia. Exceptional measures had been taken to guarantee their safety. His Government was prepared to allow the return of all ethnic Serbs not implicated in war crimes, providing the appropriate administrative formalities had been completed. Given the destruction during the conflict of a large part of Croatia's official records, the process would take some time. Those Serbs who chose to return were reminded that citizenship entailed obligations, as well as privileges. With the return of the last refugees and displaced persons, Croatia hoped to embark upon a new era characterized by economic advancement, European integration and the full enjoyment by all citizens of their human rights.

10. Mr. PHAM QUANG VINH (Viet Nam) said that his delegation appreciated the emphasis given by the High Commissioner for Human Rights to the importance of dialogue and cooperation and the principles of impartiality, non-selectivity and respect for State sovereignty. He commended the Commissioner's efforts to restructure the Centre for Human Rights and emphasized the need for extensive consideration of that question by Member States and guidance by the General Assembly before action was taken. The right to development was a fundamental human right and must be fully respected and implemented on a firm financial basis. Resources should not be allocated to other sections of the Centre at the expense of activities to promote the right to development.

11. Viet Nam attached great importance to promoting and protecting the rights and welfare of its people. Its comprehensive development programme focused on efforts to enhance the well-being and living conditions of the population. In overcoming the country's economic difficulties, that process had also brought about improvements in the political, cultural and social fields. Those efforts had been reflected in Viet Nam's second report on the implementation of the International Covenant on Civil and Political Rights, submitted in 1996. Lastly, he stressed that the promotion and protection of human rights must be

guided by the principles of impartiality, a constructive international dialogue and cooperation on an equal footing.

12. Mr. ALRASSI (Saudi Arabia) said that, despite the many declarations and covenants adopted, the international community had been unable to reach a common understanding of the nature of human rights. There had been a trend towards narrow and restrictive definitions which failed to take into account the cultural and religious diversity of the family of nations. Yet, if respect for human rights was to be truly universal, their interpretation must reflect the culture and values of every country.

13. The primary responsibility for the promotion of human rights should lie with Governments, since they were best able to determine how those rights should be applied in their societies. Saudi Arabia's approach to human rights was guided by the Islamic Sharia, which set out comprehensively man's duties and obligations in relations with his fellow man. As stated in the Cairo Declaration on Human Rights in Islam, adopted by the Nineteenth Islamic Conference of Foreign Ministers in 1990, all people were equal in dignity irrespective of race, gender, religious conviction, political affiliation or other distinction. Islamic values and human rights went hand in hand, as evidenced by the central importance of the dignity of the human person in the Islamic faith.

14. If human rights were to be promoted more effectively at the international level, the voice of developing countries must be heard. The use of alleged human rights violations as a pretext for interfering in the internal affairs of States must cease, and progress in the human rights field must be accompanied by tangible advances in economic and social development.

15. His delegation welcomed the restructuring of the Centre for Human Rights, though restructuring was not an end in itself, but a means of increasing the responsiveness of the Centre and enhancing the quality of its support services and technical assistance. If the Centre's staff were to be reorganized, the principle of equitable geographical representation must be taken into account.

16. Saudi Arabia would continue to work with the United Nations in the field of human rights, which, in his delegation's view were not merely hopes and aspirations, but also legitimate demands of all people on all continents. He hoped that the commemoration in 1998 of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights would give new impetus to the international community's efforts in the human rights field.

17. Mr. DONOKUSUMO (Indonesia) said that, while primary responsibility for the promotion and protection of human rights lay with Governments, that task was facilitated in many States by the technical cooperation programmes of the Centre for Human Rights. The provision of technical assistance and advisory services should constitute the main function of the Centre. The importance of international cooperation in human rights was recognized in the Vienna Declaration and Programme of Action. Yet, the international community had for too long been unable to find a common approach. The recognition of the right to development as a fundamental human right was an important step towards that goal. He welcomed the importance accorded by the High Commissioner for Human Rights to the realization of the right to development and called for a more

concerted international effort to that end. The High Commissioner's efforts to forge closer links between the United Nations human rights programme and the regional commissions would enable the very different cultures and experiences of Member States to be more fully reflected in human rights activities.

18. His Government was committed to the promotion and protection of human rights and had recently established a national human rights commission. It attached particular importance to the rights of women and other vulnerable groups. On the international stage, Indonesia had championed the rights of the child; and the Government was working tirelessly to eliminate the use of child labour. While much remained to be done, the Government's efforts in the field of human rights were ill-served by politically motivated criticism. It was paradoxical that those States which were the most vocal critics of the developing countries' record on human rights were silent upon the subject of economic, social and cultural rights. Yet, the Vienna Declaration and Programme of Action stated clearly that the existence of widespread poverty was a serious obstacle to the full enjoyment of human rights.

19. Ms. ARGUETA (El Salvador) said that the forthcoming fiftieth anniversary of the Universal Declaration of Human Rights should serve as an opportunity for strengthening the United Nations human rights programme, and noted with satisfaction that specific steps had been taken to enhance coordination to achieve the goals in that field.

20. Her country's experience had clearly demonstrated the interdependence of human rights, peace and development. El Salvador had achieved important progress in human rights through the establishment of new mechanisms to protect the human rights and fundamental freedoms of all citizens. Those mechanisms had already produced results, but there were still many challenges to be met. Her delegation appreciated the concern expressed by the Special Rapporteur for extrajudicial, summary or arbitrary executions with regard to the situation in El Salvador. Nevertheless, the period of time covered in his report (A/51/457) was very long and many of the matters referred to had already been resolved, as reflected in reports of the Secretary-General on the situation in Central America and on the progress made in the political, economic and social fields, particularly by the efforts to improve the judicial system, public security mechanisms and human rights institutions. After the signing of the Peace Agreement in 1992, a general amnesty law had been enacted with the agreement of all parties involved in order to foster genuine reconciliation among the Salvadoran people.

21. Under its constitutional reforms, her country had established the Office of the National Counsel for the Defence of Human Rights and a new National Civil Police, and the Office was empowered to investigate any violation committed by a member of the National Civil Police. Consultation and coordination mechanisms had ben set up between the Ministry of Public Security and the Office of the National Council and reports were regularly submitted to the Office.

22. El Salvador was convinced of the need to seek comprehensive approaches to promote human rights through preventive action and post-conflict activities. Her Government recognized the great value of the work carried out by the United Nations system in El Salvador and firmly supported the initiatives undertaken to promote democracy and economic and social progress. With the firm commitment of

the Government and the Salvadoran people and the generous assistance of the international community, her country had overcome a grave crisis. El Salvador was undergoing a process of major change and was consolidating democratic institutions and seeking to promote sustainable human development. Extensive programmes had been undertaken in the field of education, health and housing in order to ensure the enjoyment of human rights and respect for human dignity.

23. Her delegation welcomed the establishment of an intergovernmental group of experts that would elaborate a strategy for the implementation of the right to development, and stressed the need for the international community to provide the necessary means to overcome the gap separating the developed and the developing countries.

24. Mr. KAMAL (Pakistan) said that if the international community was to achieve universal respect for human rights, there must be rapprochement between the developed and the developing countries, between the advocates of civil and political rights, on the one hand, and the proponents of economic, social and cultural rights, on the other. There could be no consensus on human rights questions in a world where some States sought to impose their values as absolute standards, while others invoked the concept of cultural relativism when their record on human rights was challenged. There was a need to evolve instead a shared concept of human rights, while human rights instruments must be implemented in an impartial and non-selective manner. The problem of underdevelopment must be seriously addressed.

25. It was fruitless to blame particular regimes or poor planning for the problem of underdevelopment. Indeed, it was clear that developing countries could not achieve economic progress without a more equitable distribution of the world's resources. As stated in the Declaration on the Right to Development, States had the duty to cooperate with each other in eliminating obstacles to development; those included protectionist trade regimes, discriminatory financial arrangements and structural inequalities in international relations. Many developing countries feared that, with the end of the cold war, European integration would be of more pressing concern to the West than the fact of the world's poorer nations. Yet the exacerbation of existing inequalities would surely lead to greater global tension and insecurity.

26. The United Nations must have a clear plan of action for the realization of the right to development. All Member States must pay their contributions on time and in full in order to ease the Organization's financial crisis and enable it to play a more effective role in the protection of human rights. The inability of the Organization to react speedily to gross human rights violations had cost thousands of lives. The early-warning system for signalling impending human rights crises must therefore be strengthened. Democracy, development and human rights were the three pillars of the new international order. They must be viewed as interdependent, for a selective approach to their promotion would fail to address the inequities that led to human rights violations.

27. Mr. OTUYELU (Nigeria) said that respect for human rights and the observance of treaty obligations were the responsibilities of Governments. Moreover, development was a vital tool in safeguarding human rights. Through economic empowerment, supported by international cooperation, people would be better able to defend themselves against abuses. Attempts to make human rights issues a

condition for development aid were a negation of the principle of the universality and indivisibility of all human rights. The right to development should not take second place; poverty, lack of development, disease and ignorance were among the factors impeding the full enjoyment of human rights in many developing countries.

28. The restructuring of the Centre for Human Rights was an issue of great concern to his delegation. A balance should be maintained among the various rights, and it was important to ensure that sufficient resources would be provided to the unit on the right to development. The restructuring should have been undertaken in a spirit of partnership in an intergovernmental forum. He also hoped that the necessary balance in terms of priority areas, cultural diversity and geographical representation would be maintained in the current efforts to strengthen the Centre.

29. Nigeria placed great emphasis on the human rights of its citizens, all of whom were treated equally, irrespective of gender, age, ethnicity or religious belief. The Government had established an independent Human Rights Commission under a retired Supreme Court judge. Nigeria had taken a number of actions to remove obstacles to the enjoyment of human rights, as observed during a recent United Nations fact-finding mission. The Government had also welcomed the recommendations of the Human Rights Committee (A/51/538, chap. IV) in response to the submission by Nigeria of its periodic report. The Government's total commitment to democratization had been clearly demonstrated to the fact-finding mission. Measures taken included the establishment of institutions to implement the political programme and ensure a successful transition to civil and democratic rule. Local government elections on a non-party basis had been successfully conducted in December 1995.

30. The Civil Disturbances Act, under which Mr. Ken Saro-Wiwa and eight others had been convicted, had been amended so that the verdict and sentence of a special tribunal would be subject to judicial review at the appellate level (ibid., para. 31). Decree No. 2 of 1984 had also been amended to allow for periodic review of the cases of persons in detention, and 23 detainees had been released. Decree No. 14 of 1994, which had set aside the right of courts to issue writs of habeas corpus to persons detained under Decree No. 2 of 1984, had been repealed (ibid.), and the military member of the Special Tribunal had been removed.

31. His Government reaffirmed its commitment to abide by the obligations freely undertaken under various international human rights instruments. Nigeria needed the support and understanding of other members of the Committee, rather than a negative resolution which would do nothing to advance the promotion of democracy or the protection of human rights.

Draft resolution A/C.3/51/L.32: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

32. The CHAIRMAN announced that the draft resolution contained no programme-budget implications and that Kyrgyzstan, Nigeria, Peru and Yemen had become sponsors.

33. Draft resolution A/C.3/51/L.32 was adopted.

Draft resolution A/C.3/51/L.35/Rev.1: Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

34. The CHAIRMAN announced that the draft resolution contained no programme-budget implications, and that the following countries had become sponsors: Austria, Canada, Cape Verde, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, France, Guatemala, Japan, Kyrgyzstan, the Marshall Islands, Mauritius, Mongolia, Nepal, Nigeria, Peru, the Philippines, Rwanda, Ukraine, the United Kingdom, the United States and Venezuela.

35. Mr. AG OUMAR (Mali) sought clarification as to where responsibility for coordination efforts lay, as paragraphs 1 and 5 of the draft resolution referred to the High Commissioner and no mention was made of the Centre for Human Rights.

36. Mr. DEMBINSKI (Poland) said that the High Commissioner had a mandate to coordinate activities for the anniversary.

37. Draft resolution A/C.3/51/L.35/Rev.1 was adopted.

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued)

Draft resolution A/C.3/51/L.21: Convention on the Elimination of All Forms of Discrimination against Women

38. Mr. ROSNES (Norway), speaking on behalf of the sponsors, said that the following States had joined the sponsors: Argentina, the Bahamas, Belgium, Bhutan, Bolivia, Bulgaria, Cuba, the Dominican Republic, Eritrea, Fiji, Germany, Guinea, Guinea-Bissau, Hungary, Liechtenstein, Madagascar, Panama, Peru, the Philippines, Poland, the Republic of Moldova, Sierra Leone, Spain, Thailand, The former Yugoslav Republic of Macedonia, the United Kingdom and Zaire.

39. He read out several minor revisions to the text. He also pointed out that, in paragraph 6, the words "within the overall existing budget" had been deleted and that, in paragraph 8, the words "within existing United Nations resources" had also been deleted.

40. Ms. NEWELL (Secretary of the Committee) recalled that paragraph 6 of the draft resolution would enable the Committee on the Elimination of Discrimination against Women to hold two sessions annually, each of three weeks' duration, preceded by the meeting of a pre-session working group, and that paragraph 8 would authorize the Open-ended Working Group of the Commission on the Status of Women on the Elaboration of a Draft Optional Protocol to the Convention to meet for 10 working days in parallel with the Commission at its forty-first session.

41. Taking into account the current availability of conference services, the 1997 additional session of the Committee and the meeting of the pre-session working group could be accommodated within existing resources, and no additional appropriation for the 1996-1997 programme budget would therefore be required. It was also understood that servicing capacity which would be released from other periods in the year could be used to service the Open-ended Working Group with no additional cost.

42. The CHAIRMAN said that Burundi, Cape Verde, the Central African Republic, Côte d'Ivoire, Guyana, Kenya, Malta, Namibia, Solomon Islands, Rwanda, the United Republic of Tanzania, Uganda, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

43. Mr. KUEHL (United States of America) said that his delegation was uanble to join in the consensus on the draft resolution.

44. Draft resolution A/C.3/51/L.21, as orally revised, was adopted.

45. Mr. KUEHL (United States of America) reiterated his Government's support for the elaboration of a draft Optional Protocol to the Convention. It was regrettable that the Secretariat had been unable to state unequivocally that the convening of the Working Group on the Optional Protocol would be accommodated within the existing budget.

46. His delegation would continue to request that the Secretariat should provide clear indications on the programme-budget implications of draft resolutions. His delegation could not support actions which could have the effect of increasing the United Nations regular budget beyond the amount adopted by the General Assembly for the current biennium.

AGENDA ITEM 106: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)

Draft resolution A/C.3/51/L.37: The rights of the child

47. Mrs. CASTRO de BARISH (Costa Rica), speaking on behalf of the Group of 77 and China, introduced an amendment to draft resolution A/C.3/51/L.37 which was contained in document A/C.3/51/L.38. The amendment would delete the words "within existing resources" from paragraph 35. She also proposed deletion of those words from paragraph 50.

Draft resolution A/C.3/51/L.31: The girl child

48. The CHAIRMAN said that the draft resolution contained no programme-budget implications, and that, when it had been introduced, the representative of Namibia had orally revised the text on behalf of the sponsors.

49. Ms. NEWELL (Secretary of the Committee) repeated the revisions that had been made to the text.

50. Ms. DEWGT (Namibia) announced that Belarus, Bulgaria, Colombia, Guinea-Bissau, Jamaica, Kyrgyzstan, Monaco, Paraguay, Rwanda, Samoa, San Marino and Ukraine had become sponsors of the draft resolution.

51. Draft resolution A/C.3/51/L.31 was adopted.

52. Mr. KUEHL (United States of America) said that his delegation interpreted paragraph 12 of that draft resolution as meaning that both men and women had equal access to economic resources.

53. Mr. PACE (Malta) said that, in joining the consensus on the draft resolution, his delegation wished to state that Malta reaffirmed the

responsibilities, rights and duties of parents and legal guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate guidance in the exercise by the child of the rights recognized in the Convention on the Rights of the Child.

54. His delegation also wished to state that it reserved its position on the use of the term "reproductive health" as used in paragraph 3 (f). The interpretation given by Malta to that paragraph was consistent with its national legislation, which considered the termination of pregnancy through induced abortion as illegal. In that respect, Malta reaffirmed its reservations to the concluding documents adopted at the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference n Women and the United Nations Conference on Human Settlements, as contained in the respective reports of those conferences, and more recently at the World Food Summit.

55. Ms. MUVUZANKIMA (Burundi), speaking in exercise of the right of reply, said that her delegation wished to thank those who had provided her country with assistance during a difficult period, and in particular the Permanent Observer of the Holy See for the statement he had made expressing support for her Government. She said that the difficulties currently being experienced by her country were largely due to the unjust blockade imposed on it by neighbouring countries, in violation of the principles governing international relations, good neighbourliness and non-interference in the internal affairs of States.

56. The crisis in Burundi was extremely complex, and it was not appropriate to subject it to superficial analysis. The representative of Norway, a country with which Burundi had excellent cooperative relations, had, at a previous meeting, said that the coup d'état that had taken place in Burundi in 1995 had not improved the security or human rights situation but, on the contrary, had exacerbated the suffering of the people. Her delegation wished to express its astonishment with regard to that statement. The President of Burundi, when returning to office, had stated that his return was not driven by political ambition but represented an operation to salvage a country at risk. The new authorities had taken power in order to end the genocide, massacres and massive human rights abuses, and had taken measures to stabilize the situation and restore peace and confidence throughout the nation. The number of human rights observers in Burundi had increased; an international tribunal had been established in order to end the cycle of immunity, and preparations would be made for a national debate with a view to restoring peace. Burundi counted upon its partners, including Norway, to assist it in implementing a programme which would bring about a return to lasting peace and security. Her Government attached particular importance to the activities of the Centre for Human Rights in Burundi.

The meeting rose at 5.20 p.m.

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THIRD COMMITTEE
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Chairman: Mrs. ESPINOSA (Mexico)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. AGATHOCLEOUS (Cyprus) said that his country was fully committed to the universal application and promotion of human rights and was determined to stand up against all forms of human rights violations. States which refused to respect human rights and chose to disregard international commitments which they had accepted freely should be held fully accountable.

2. He reminded the Committee that, for more than 22 years, Cyprus had been forcibly divided, with 37 per cent of its territory remaining under military occupation by Turkey. As a result of the forcible expulsion of the indigenous population from their ancestral homes, some 200,000 Greek Cypriots were still being denied their basic human right to return to their homes and property in the occupied part of the country. Foreign settlers were still being brought in, thereby altering the demographic structure of the island, in flagrant violation of United Nations resolutions and decisions.

3. His Government was particularly concerned at the violations of the most basic human rights of the Greek and Maronite Cypriots living in the Turkish occupied area. In his report (S/1996/411). the Secretary-General had noted that those people were subject to severe restrictions on many of their basic freedoms, a situation which would ensure the ultimate demise of those communities. The Security Council, in its resolution 1062 (1996), had expressed regret that the Turkish side had not responded more fully to the recommendations made by the United Nations Peacekeeping Force in Cyprus (UNFICYP) (S/1995/1020), and it had called upon the Turkish side fully to respect the basic freedoms of those communities. Nevertheless, Turkey's oppressive policies in the occupied area continued in contravention not only of the third Vienna Agreement of 1975, but also of the relevant international humanitarian law, especially the fourth Geneva Convention.

4. The humanitarian problem of missing persons in Cyprus remained unresolved. The investigatory committee established in 1981 had made no real progress, especially since the retirement of the Secretary-General's representative on the committee. His Government hoped that the committee would resume its humanitarian work as soon as the Secretary-General appointed a new third member and that real progress would be made. It renewed its appeal to all concerned to assist and cooperate in resolving that humanitarian tragedy, which concerned both Greek and Turkish Cypriot families. The cooperation and assistance of the Republic of Turkey were essential to that end.

5. His Government had consistently displayed its commitment to finding a just and viable solution which would guarantee the independence, sovereignty, territorial integrity and unity of Cyprus, in accordance with United Nations resolutions. Recent events had once again highlighted the urgency of finding a solution which would safeguard the human rights and fundamental freedoms of the entire Cypriot population. The recent killing of two unarmed Greek Cypriot demonstrators, and the wounding of many other people, including United Nations peacekeepers, by Turkish occupation forces which had been witnessed on television by the whole world, underlined the grave dangers of allowing the status quo to continue. Failure to uphold international law and respect for human rights in one situation could set a precedent for similar failures elsewhere. Moreover, the credibility of the United Nations would be eroded if it failed to ensure the effective implementation of human rights everywhere.

6. Mr. RI Song Il (Democratic People's Republic of Korea) said that attempts to use human rights issues to bring political and economic pressure to bear on other countries were unending, as was confrontation over such issues. In order for human rights issues to be resolved fairly, every Member State should respect the international community's ideals, as reflected in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and begin to cooperate on those issues, abandoning the double standards, selectivity and politicization that currently surrounded human rights. His delegation was seriously concerned at the politicization of human rights by some Governments in order to distract attention from the grave violations of human rights perpetrated in their own countries. Non-interference in the internal affairs of other States was a key element in achieving international cooperation, while the infringement of national sovereignty could seriously undermine international peace and security. His delegation categorically rejected any attempt to use human rights issues as a precondition for development assistance or economic relations.

7. The right to development was an inalienable human right. If developed countries were sincerely interested in resolving human rights issues, they should actively support developing countries' efforts to realize the right to development.

8. With regard to international cooperation in the field of human rights, it was important that no State should force another to accept its own human rights standards, since each Member State had its own specific social system, political philosophy and culture. His delegation emphasized the importance of a balanced relationship between individual human rights and the rights of the community. The individual could not exist in isolation from society, and individual-centred human rights were not acceptable to a society which advocated collectivism under

socialism. His delegation would never tolerate any infringement of its country's sovereignty or slander of its socialist system, which was a powerful weapon for the protection and promotion of human rights.

9. Mr. U PE THEIN TIN (Myanmar) said that increasing focus had been placed on human rights in the post-war years, but that interest in human rights would achieve nothing unless it was pursued with objectivity, impartiality and non-selectivity. The rich diversity of nations' historical, cultural, religious, social and economic backgrounds must be respected and their different priorities recognized. No country or group of countries should seek to reshape the world in its own image. It was a sad commentary on the times that some countries were resorting increasingly to the politicization of human rights, using them as a tool for interfering in the internal affairs of sovereign States. His delegation was concerned that smaller countries were being singled out for alleged violations, while others, where abuses abounded, were treated with sympathy and understanding.

10. Any consideration of the situation of human rights in his country should be based on an understanding of the overall situation, which was one of tremendous transformation. The people of Myanmar were much better off than they had been eight years previously, when the country had been in turmoil as a result of the activities of numerous armed groups. The restoration of peace and stability and the adoption of a market economy had brought about an improvement in the economy which had enabled the Government to implement development projects, notwithstanding the withholding of official development assistance by certain countries. It was regrettable that some countries had chosen to ignore his people's right to development which was a fundamental human right. His delegation hoped that countries would work together to remove all obstacles to the exercise of that right.

11. The political process in Myanmar was essentially a matter for the people of that country to determine for themselves. No country could permit an individual or an organized group to jeopardize national reconciliation efforts, much less condone anything that led to a breakdown of law and order. In matters of national security there could be no compromises. Individuals who broke the law should expect to have action taken against them: no one could expect to hide behind the shield of political immunity. Since no one had been imprisoned for their political beliefs in Myanmar, his delegation found calls for the immediate release of all political prisoners unacceptable.

12. With regard to the death of Mr. James Leander Nichols, a citizen of Myanmar, his delegation found the position taken by the European Union, particularly Denmark, unreasonable and unwarranted, and the insistence on an investigation by the Special Rapporteur perplexing. The relevant information had been made available to all concerned embassies, and the Minister for Foreign Affairs had himself informed the European Union on two occasions of the circumstances surrounding the death of Mr. Nichols.

13. He reiterated his country's willingness to cooperate with the United Nations, as well as with other countries. Myanmar believed that cooperation was the best way to ensure the fullest enjoyment of human rights by peoples everywhere.

14. Mr. HOUANSOU (Benin) said that it had become commonplace to point to the link between democracy and human rights, and, indeed, Benin's experience since 1990 had shown that political dialogue, respect for fundamental freedoms and the rule of law were integral to the democratization process. His Government had sought to develop a culture of human rights. With the assistance of the United Nations Centre for Human Rights, it had held training courses for civil servants and officials of non-governmental organizations working in the human rights field, and seminars on such themes as human rights education, the rights of detainees and the independence of the judiciary. In addition, national legislation was being brought into line with international human rights instruments.

15. Democratic values were becoming ever more firmly entrenched in Benin's political system. The various branches of government coexisted harmoniously and the Beninese people were able to elect their political representatives in free, multi-party elections in which all candidates enjoyed unrestricted freedom of expression.

16. The process of economic reform had been more problematic, however. His Government was seeking to mitigate the adverse effects of the structural adjustment programme initiated in 1989 by ensuring that, as the programme's various phases were implemented, their social dimension was taken into account and projects were undertaken to meet people's nutrition, health care, housing and educational needs.

17. His delegation was convinced of the link between economic progress and the effective enjoyment of human rights, and it welcomed therefore the international community's recognition of the right to development as a fundamental human right. It was concerned, however, that the efforts of the Centre for Human Rights and the High Commissioner to achieve that important right were being hampered by lack of resources, and urged donor countries to increase their contributions.

18. His delegation welcomed the emphasis placed by the United Nations human rights machinery on preventive action. The links forged by the Centre and the High Commissioner with the specialized agencies, the regional commissions and the World Bank would greatly enhance both the scope for preventive measures and the realization of the right to development. With regard to the restructuring of the Centre, his delegation regretted that the High Commissioner had failed to elicit the views of Member States.

19. Knowledge and understanding of the nature of human rights was a precondition for their respect. His delegation therefore commended the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO), in particular its work to promote a culture of peace, which had begun with the International Congress on Peace in the Minds of Men, held at Yamoussoukrou, Côte d'Ivoire, in July 1989. He called upon the international community to lend its support to all UNESCO programmes aimed at enabling peoples of different cultures to coexist in a spirit of tolerance.

20. Mr. MAHUGU (Kenya) said that all human rights were interdependent and indivisible. His country was a party to a number of United Nations human rights instruments and reaffirmed its commitment to promote and protect all human

rights and fundamental freedoms. Like all countries, Kenya did not have a perfect human rights record. No country or political system was immune to violations or had a monopoly on wisdom in that field. His Government had established an independent Standing Committee on Human Rights to investigate complaints of abuse of power or unfair treatment by public officials and to educate the public on all aspects of human rights in the country. Kenya was strongly in favour of strengthening the administration of justice in the field of human rights and felt that needy developing countries, particularly those in Africa, should be provided with support for that purpose.

21. The restructuring of the Centre for Human Rights was necessary in order to enhance its effectiveness. However, the reform process should take into account the principle of equitable geographical distribution of staff and should be properly coordinated with Member States. The right to development had been recognized as an integral part of basic human rights, and the High Commissioner for Human Rights should work for the elimination of all obstacles to the implementation of that right, inter alia, by ensuring that it was handled by a separate branch of the Centre for Human Rights. Lastly, his delegation called for greater consultation and cooperation with United Nations human rights bodies and stressed the need to refrain from using human rights as a political weapon for foreign policy purposes.

22. Mrs. MASDOUA (Algeria) stressed the importance of the right to development and the need to ensure that that right was accorded a proper place in the work of the Centre for Human Rights. Aware of the fact that the promotion and protection of fundamental freedoms and democratic principles was the task of Governments, Algeria had supported all the international human rights instruments, as well as the corresponding treaty monitoring bodies. Her country's recent accession to the Convention on the Elimination of All Forms of Discrimination against Women demonstrated Algeria's determination to ensure the effective implementation of human rights and fundamental freedoms.

23. In its determination to establish a true democracy, Algeria was confronting the resurgence of medieval doctrines that were incompatible with human rights and democratic values. In the fight against terrorism and obscurantist fundamentalism, the State was using all legal means to maintain order and public security while guaranteeing human rights, especially the right to life. Algeria had abolished special courts and adopted clemency measures in order to promote a return to civil peace.

24. Algeria's judicial system was to be strengthened by the establishment of a State Council which would increase the independence of the judiciary and provide an additional guarantee to protect citizens against possible abuses of power by the State. The appointment of a mediator in March 1995 had provided a further, non-judicial recourse mechanism for all citizens. Capital punishment had been suspended since September 1993 and the last administrative detention centre had been closed in November 1995. It was ironic that Algeria's efforts to protect human rights in very difficult circumstances were being largely ignored.

25. Algeria's commitment to democracy had been demonstrated by the holding of presidential elections in November 1995, in the presence of international observers from the United Nations, the Organization of African Unity and the League of Arab States who had confirmed their free and democratic nature. A

constitutional referendum was to be held in November 1996 to establish a second chamber and thereby ensure a better balance between the executive and legislative branches. Algeria had decided to hold legislative and municipal elections in 1997, with the participation of all political groups that rejected violence and respected the Constitution.

26. Mr. CHIRINCIUC (Republic of Moldova) said that his country had committed itself firmly to democracy and attached particular importance to the promotion and protection of human rights and fundamental freedoms. Accordingly, it had acceded to the international human rights instruments and brought its domestic legislation into line with their provisions. It had also taken steps to increase its cooperation in the field of human rights with the United Nations and other international organizations, particularly the Council of Europe. It attached great importance to strengthening the mechanisms for ensuring the holding of free and fair elections and had recently completed the first round of voting in its presidential election, in the presence of international observers.

27. Unfortunately, his country's democratization and reform process was still being affected by the actions of the separatist regime that controlled the eastern region of the Republic of Moldova. That separatist movement had not come about as a result of violations of the rights of persons belonging to certain national minorities, but was politically and ideologically motivated. With the support of international organizations, his Government had attempted to find a solution that was acceptable to the parties concerned, and it was prepared to grant special autonomous status to that region in a spirit of compromise. Nevertheless, the authorities in the region, who under the influence of foreign forces had proclaimed an anti-constitutional republic, were not yet ready to accept a solution based on unconditional respect for the territorial integrity and sovereignty of the Republic of Moldova.

28. Unfortunately, certain recent statements by the State Duma of the Russian Federation, the country that was acting as mediator in the current negotiating process, would not facilitate normalization of the situation in the eastern part of the Republic of Moldova. The Duma had decided, inter alia, to conclude an economic, military and cultural agreement with that region and had declared it an area of major strategic interest for the Russian Federation. Furthermore, the Duma had recommended that the Russian Government should consider the possibility of stationing a Russian military contingent permanently in that area.

29. His Government considered that decision to be contrary to the agreement on the legal status of the area and on the terms and for the withdrawal of Russian troops, signed in October 1994 with the Russian Federation, and had expressed its concern that the Duma was using the protection of the rights of persons belonging to the Russian minority as a pretext for interfering in the internal affairs of the Republic of Moldova.

30. His delegation also wished to point out that the human rights of the Moldova population in the region in question continued to be violated. Moldovan citizens living there were being deprived of their right to participate in the country's elections and in the privatization process and economic reforms, and of their rights to appeal to judicial bodies and to study their mother tongue. Despite numerous appeals by his Government and international organizations to

the anti-constitutional authorities in Tiraspol, the members of the Ilascu group, who had been sentenced illegally, were still in prison. The population of the region continued to be subjected to a campaign of persecution by the authorities. His Government required the political and moral support of international organizations in order to change the alarming situation.

31. In conclusion, he expressed his Government's support for the efforts of the High Commissioner for Human Rights to restructure the Centre for Human Rights and asked the High Commissioner to consider the possibility of assisting his Government's efforts to ensure full respect for human rights in the eastern region of the Republic of Moldova.

32. Mr. KUANG LEE (Republic of Korea) stressed that democracy and respect for human rights and fundamental freedoms were the very foundation of genuine development and prosperity and must be incorporated into the mainstream United Nations activities. Despite the remarkable progress made in that area, appalling human rights abuses and flagrant violations of fundamental freedoms continued to be perpetrated throughout the world. He therefore underscored the need to improve the United Nations human rights machinery and commended the efforts of the High Commissioner for Human Rights to establish a dialogue with various Governments with a view to improving the human rights situation in their countries. Human rights programmes should be an integral part of peacekeeping operations and of the entire peace process, while increasing the field presence of United Nations human rights officers could help to ensure the observance of human rights in times of conflict. To forestall massive human rights violations, priority should be given to ending the impunity enjoyed by the perpetrators of human rights violations and to establishing protective mechanisms. Legal deterrents and punishment mechanisms such as an international criminal court should be instituted.

33. Since the elimination of all forms of violence against women was a priority task, his delegation fully supported the recommendations in the report of the Special Rapporteur on that subject (E/CN.4/1996/53/Add.1). With regard to the issue of "comfort women" addressed in that report, his country believed that all the facts surrounding the plight of those women during the Second World War should be brought to light, as a valuable historical lesson to future generations to prevent the recurrence of similar tragic situations. The issue of reparation for individual victims could be settled only when the proposed reparation measures were acceptable to the victims, as well as to the relevant non-governmental organizations. His Government remained concerned, in that connection, that certain political circles in Japan were continuing to distort historical facts and even attempting to delete references to that issue from school textbooks.

34. His delegation appreciated the efforts of the High Commissioner for Human Rights to restructure the Centre for Human Rights, but remained concerned that lack of resources was hampering the vital work of both the Centre and other human rights mechanisms. It was pleased to announce that his Government planned to donate office automation equipment and $500,000 in financial assistance to the Centre in 1996. It supported the expansion of regional cooperation in the field of human rights under the Centre's advisory services and technical assistance programme, particularly in the Asian and Pacific region. As a reflection of the value that it placed on the role of national institutions, his

Government was considering the establishment of an independent national human rights commission. Lastly, given the need to foster a culture of peace and tolerance in order to ensure the enjoyment of human rights, it fully supported international efforts, including the work of United Nations Educational, Scientific and Cultural Organization (UNESCO), towards that end.

35. Mr. SERGIWA (Libyan Arab Jamahiriya) said that, despite the international community's success in formulating a number of international conventions which laid the foundations for a healthy human rights environment, flagrant violations of human rights continued to be perpetrated in many parts of the world. Peoples, such as the Palestinian people, living under occupation were subjected to daily abuse; and many others were the victims of ethnic, religious or social strife. Some countries adopted a highly selective approach to human rights issues, appointing themselves the guardians of such issues and in fact using them to serve their own interests. Such practices made it impossible for all the rights specified in the international instruments to be fully enjoyed by all. The Vienna Declaration and Programme of Action had stressed the need for non-selectivity, neutrality and objectivity in dealing with human rights, in order to ensure their universal application. His delegation therefore supported the High Commissioner's policy of instituting a dialogue and cooperation with countries, rather than applying a double standard.

36. His delegation believed that all human rights were interrelated and that the right to development was inseparable from other human rights. He therefore hoped that the High Commissioner would increase his contacts with the international financial institutions with a view to facilitating the realization of that right.

37. With regard to the interim report on extrajudicial, summary or arbitrary executions prepared by the Special Rapporteur of the Commission on Human Rights (A/51/457), he noted that the Special Rapporteur, in paragraph 99 of his report, emphasized that Governments must respect the right to life of all persons, even when they demonstrated total disregard for the lives of others. He found it difficult to understand why people who posed a threat to the lives of others should apparently be treated with greater respect than their innocent victims. In paragraph 105 of the report, it was stated that the desirability of the abolition of capital punishment had been strongly reaffirmed on different occasions by "United Nations organs and bodies in the field of human rights, inter alia, the Security Council, the Human Rights Committee and the General Assembly". That was the first time he had heard that the Security Council was a human rights body or that the relevant bodies and the General Assembly had called for the abolition of capital punishment. The position of the Libyan Arab Jamahiriya on the death penalty was that capital punishment should be abolished, except for persons who posed a threat to society. Any attempt to impose complete abolition of the death penalty was unacceptable as long as capital punishment remained the only credible deterrent to violence crime. Innocent people had an equal right to life. It would be better if the Special Rapporteur devoted himself to studying the issues entrusted to him, rather than involving himself in completely unrelated matters.

38. His delegation supported the restructuring of the Centre for Human Rights. If that exercise was to succeed, however, every Member State should be given the opportunity to express its views on the restructuring process. In that regard,

his delegation emphasized that posts at the Centre should be distributed along more equitable geographical lines, since the number of technical staff from developed countries greatly outnumbered those from developing countries.

39. His country had been among the first to become signatories to the international human rights instruments, realizing as it did the importance of the individual in society. However, its efforts to strengthen and protect human rights were being frustrated by the arbitrary measures imposed against it pursuant to Security Council decisions. The Security Council had been established with the aim of maintaining international peace and security in accordance with the Charter of the United Nations and international law, yet the lives of many innocent people, particularly the most vulnerable members of society, had been put at risk by the most flagrant violations of human rights, perpetrated with the Council's authorization. He wondered how it was possible for any United Nations organ to take decisions which conflicted with international law and violated the Charter, as the Security Council had done in imposing sanctions on the Libyan Arab Jamahiriya, when the United Nations was supposed to protect human rights.

40. Mrs. VARGAS (Nicaragua) said that the creation of the United Nations 50 years previously had been a source of hope for both the industrialized countries and the developing countries, the great majority of which had still been under colonial rule or under dictatorial regimes which deprived their peoples of freedom, dignity and justice, and outlawed talk of democracy and respect for human rights. For many developing countries, the process of independent, democratic development was still relatively new. Many of them, like Nicaragua, were still endeavouring to shake off the legacy of dictatorships, wars, poverty and underdevelopment. Many others were still suffering from destabilizing conflicts triggered by ethnic and religious rivalries. The developing countries were fully aware that the promotion and protection of human rights was a challenge to be met mainly at the national level. However, the international community had a part to play, not by pointing an accusing finger or engaging in a sterile debate, but by participating in a constructive dialogue in order to achieve positive, practical results. The challenge now facing the international community was to ensure the practical, balanced implementation of the recommendations adopted at the World Conference on Human Rights.

41. The world had changed dramatically in recent years, but the progress made on the political front had not been matched by similar progress on the social and economic fronts. Most developing countries were still confronted by poverty, malnutrition, illiteracy, health problems and, in many cases, an absence of fundamental freedoms. The right to development was thus essential to the peoples of developing countries, who needed higher incomes, improved social, health and education services and a chance to escape from extreme poverty and enjoy better living conditions if they were to be able to make a constructive contribution to the development of democratic systems that would guarantee full respect for their human rights.

42. An innovative approach to human rights should be adopted which gave priority to meeting the basic needs of the human person. If a genuinely new world order was to be achieved, the challenge of development must be faced. Her delegation therefore welcomed the emphasis placed on the right to development in

the recent reports of the High Commissioner for Human Rights, and commended him for holding consultations with the World Bank concerning possible cooperation on programmes for sustainable development. She hoped that additional information on such cooperation would be provided at the next session of the Commission on Human Rights. In that context, increased attention should be given to the adverse effects of structure adjustment on social indicators, and to the consequences for the economies of developing countries of the high cost of servicing their foreign debt. In the restructuring of the Centre for Human Rights, particular attention should be given to identifying both national and international obstacles to the implementation of the right to development.

43. In Nicaragua, human rights enjoyed greater protection than ever before. There was complete freedom of expression, there were no political prisoners, any abuses by the authorities could be freely denounced, there was an independent judiciary and the consolidation of the rule of law was being treated as a priority. The recent general elections, which had taken place peacefully and with a very high voter turnout, were further evidence of the strengthening of democracy, which in turn provided an appropriate framework for the protection and full enjoyment of human rights.

44. The international community had an opportunity to redirect and strengthen its commitment to human rights. That should be done in a spirit of balance, consensus, solidarity and cooperation, in order to build on the progress already made.

45. Mrs. ALBRIGHT (United States of America) said that, as the international community approached the dawn of the twenty-first century, there were many reasons to hope that an era of peace and respect for human rights would be ushered in. In the past two decades, the number of democratic nations had tripled. In 1996, more than 1 billion people had gone to the polls. In Guatemala, the new Government was campaigning to fight corruption, enhance respect for human rights and bring an end to the hemisphere's longest civil conflict. Throughout the world, forward-looking nations were striving to implement the Beijing Declaration and Platform for Action.

46. That democratic trend was not, however, universal. Many Governments relied for their authority not on popular consent, but on coercion. In Myanmar, for example, the State Law and Order Restoration Council (SLORC) had issued a decree threatening its critics with prison sentences of up to 20 years. The National Convention, which was meeting to draft a new constitution, was a sham. The opposition leader, Aung San Suu Kyi of the National League for Democracy, had been prevented from convening a party congress. The United States delegation would urge the General Assembly to call for a genuine democratic dialogue, respect for the rights to freedom of speech and freedom of association, the release of political prisoners and an end to forced labour in Myanmar.

47. In Iraq, the brutal and lawless regime of Saddam Hussein tortured and terrorized the Iraqi people, suppressed civil and religious dissent and murdered its opponents. The report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran likewise contained accounts of arbitrary detention, torture and summary execution. Her delegation called upon the Governments of both countries to

cease their repression of their peoples and end their support for international terrorism.

48. The situation in the Sudan was also cause for concern. While both parties to the civil conflict in that country had been guilty of human rights violations, the Government merited political censure for its indiscriminate bombing of civilians. The willingness of the authorities to allow the Special Rapporteur of the Commission on Human Rights to visit the Sudan was, however, cause for optimism. In Nigeria, the Government's undertaking to implement a transition to democracy had yet to yield tangible results. While an electoral campaign had begun, it was being manipulated to limit participation by opposition parties. Independent newspapers had resumed publication, but their journalists had been harassed. Some political prisoners had been released, but more than 100 remained in detention.

49. In Central Africa, the tensions between ethnic Tutsis and Hutus had been a source of grave preoccupation for the international community. The recent repatriation of Hutu refugees to Rwanda was a most welcome development, and her Government noted with satisfaction the pledge by the Rwandan authorities to guarantee the security and human rights of all Hutus. The international community must help Rwanda to fulfil that pledge and to resolve with due process the many criminal cases associated with the 1994 genocide. In Burundi, the human rights abuses committed both by the security forces and by rebel groups remained a major concern.

50. Her Government continued to work for democratic change in Cuba. During a recent visit to China, the United States Secretary of State had voiced concern at the continued suppression of dissent in that country and at the situation of human rights in Tibet. In the Balkans, her Government was encouraged by the slow but steady implementation of the General Framework Agreement for Peace concluded at Dayton, Ohio.

51. The armed conflict in Afghanistan must be brought to an end. Women and girls, having endured long years of war, had now been deprived of their rights by the draconian decrees of the Taliban. The Afghan people had proved their physical courage in their struggle for independence; moral courage was now required to end the fighting and establish a broad-based government.

52. The greatest divide in the present-day world was not between East and West or North and South, but between those striving to build the future. Her Government called upon all Member States to respect the dignity of their citizens, to fulfil their commitments under the Charter of the United Nations and to recognize the indissoluble link between human development and human freedom.

53. Mr. SNOUSSI (Morocco) said that the international community could be justly proud of its achievements in the field of human rights since the adoption of the Universal Declaration of Human Rights in 1948. In particular, the ratification of the various international instruments by an ever-growing number of States reflected increasing recognition of the universality of human rights. His delegation had been encouraged by the positive developments in the human rights situation in many parts of the world in 1996. There was every reason to hope that not only the recognition but also the effective enjoyment would one day be

universal. If that goal was to be achieved, the international community must work tirelessly to implement the provisions of the Vienna Declaration and Programme of Action.

54. His delegation noted with satisfaction the importance that had been accorded to the right to development during the Committee's deliberations. While poor economic and social conditions should never serve as justification for human rights abuses, it was clear that progress in the field of human rights went hand in hand with economic and social development.

55. Upon gaining its independence, Morocco had begun the slow but steady process of building a State governed by the rule of law and promoting a human rights culture that embraced both the tenets of Islam and the ideals of the Universal Declaration of Human Rights. His Government had gradually amended the country's national legislation to bring it into line with the international human rights instruments ratified by Morocco. Over the past 10 years, it had established a number of national human rights institutions, including a Constitutional Council and a Ministry of Human Rights. Various non-governmental organizations were also active in that field. Aware of the interdependence of respect for human rights and democracy, his Government had recently held a referendum on amending the 1992 Constitution, and legislation was being drafted with a view to holding national elections. In seeking to promote human rights, his Government placed special emphasis on the rights of women and children and cultural rights.

56. Human rights education was being gradually incorporated into the curriculum of Morocco's schools. In addition, a training and documentation centre was being set up with the assistance of the United Nations Centre for Human Rights. His Government was grateful to the Centre, to the High Commissioner and the Assistant Secretary-General for Human Rights for their valuable work.

57. His delegation was convinced that human rights issues would be more effectively addressed if there were greater respect for State sovereignty and greater tolerance for cultural diversity. There was a need for greater democracy not only within States, but also within the international community.

58. Mr. STEFANOV (Bulgaria) said that as a neighbouring country, Bulgaria was particularly interested in the improvement of the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. His Government was contributing to the post-conflict peace process in Bosnia and Herzegovina by sending experts to assist with the implementation of the humanitarian and human rights aspects of the General Framework Agreement for Peace. It was also ready to contribute to the regional peace process through the promotion of regional security, stability and cooperation.

59. Bulgaria was paying particular attention to the human rights situation of the Bulgarian national minority in Serbia, who should be allowed to live in dignity and freedom and to have every opportunity for unrestricted expression of their ethnic identity. His Government had been trying to resolve that issue with the Yugoslav authorities on a bilateral level; it hoped that the atmosphere of goodwill which had characterized recent high-level contacts with Yugoslavia would facilitate the quest for practical, durable solutions to the outstanding problems. His Government's expectations had yet to be fulfilled, however, and

complaints continued to be received from members of the Bulgarian minority, mainly concerning education and the expression of ethnic identity. In some instances, local educational authorities had allegedly discouraged teachers and pupils from using the Bulgarian language in class, and schools attended by members of the Bulgarian minority had been denied the right to celebrate Bulgarian traditional holidays. The Committee on the Rights of the Child, in its concluding comments on the report of Yugoslavia, had expressed concern at the "progressive exclusion of teaching in languages other than Serbian, such as Bulgarian". It was essential that Bulgarians in Yugoslavia should enjoy, on an equal basis with other national minorities, their constitutional rights of free expression of their ethnic identity and education in their mother tongue.

60. Issues related to the Bulgarian national minority in Serbia had been raised in a number of reports to the Commission on Human Rights and the General Assembly. The Commission had expressed concern and had demanded that the Yugoslav authorities respect the rights of the Bulgarian minority. His Government would welcome a visit by the Special Rapporteur on the situation of human rights in the former Yugoslavia to the area of Serbia inhabited by the Bulgarian minority, which would enable her to investigate all the circumstances related to her mandate impartially and objectively by drawing on the largest possible range of information sources. Effective functioning of the Special Rapporteur's office in Belgrade was also a necessary precondition for obtaining impartial and objective information.

61. Mr. CHIRILA (Romania) said that the existence of a universal framework for the promotion and protection of human rights and fundamental freedoms was a great achievement. It was also to the credit of the international community that it had committed itself in recent years to the strengthening of cooperation in the field of human rights. However, it was a matter of concern that the goal of universal accession to human rights instruments set forth in the Vienna Declaration and Programme of Action had yet to be achieved and that many States continued to make reservations to those instruments. Romania strongly supported all initiatives aimed at the withdrawal of reservations that were contrary to the letter and spirit of human rights instruments. States must take all appropriate legislative and institutional measures to ensure full compliance with their international obligations.

62. Romania was grateful for the valuable support which it had received from the United Nations human rights machinery on its road to democracy and the strengthening of the rule of law. It fully supported the efforts of the High Commissioner for Human Rights to restructure the Centre for Human Rights to enable it to respond appropriately to new challenges. His Government also commended the work done by the High Commissioner in the area of the prevention of human rights violations and the strengthening of the United Nations human rights machinery.

63. His delegation stressed the importance of human rights reporting obligations and also of the communication procedures provided for under some human rights treaties. The reporting and communication systems provided Governments with useful information that could help them to fulfil their commitments in the field of human rights. Romania strongly supported the elaboration of optional protocols introducing communication procedures for those conventions which did not yet have them. While the promotion and protection of

human rights was the responsibility of Governments, it was also desirable to involve civil society in the process. In that connection, his delegation supported the High Commissioner's initiatives in the field of human rights education and training.

64. Romanian society had learned a great deal during the ongoing process of democratic reform. The process was a difficult one, but with the support of the United Nations, the Council of Europe and the European Union, accession to and the implementation of human rights instruments was becoming a reality. Any delay in the process of universal ratification and implementation of human rights instruments would make it more difficult for the international community to respond effectively to the new challenges posed by the complex development of human society. His Government strongly believed that human rights and fundamental freedoms were an integral part of a genuinely democratic society.

65. Mr. BAUMANIS (Latvia) said that the Vienna Declaration and Programme of Action had reaffirmed the universality of human rights. However, that concept would become meaningful only when all States lived up to the commitments made at Vienna. The World Conference on Human Rights had been one of the first international conferences in which Latvia had participated. Subsequently, his Government had adopted a national plan of action for the implementation of the recommendations of the Conference. In 1995, it had created a National Human Rights Office, an independent body whose mandate was to: raise public awareness of human rights; receive and investigate communications from individuals; and make recommendations on the promotion and protection of human rights to Parliament and the Government. The United Nations High Commissioner for Human Rights had commended his Government on the establishment of that Office, which he had described as an important example to other countries. In order to improve the dialogue between the authorities and Latvia's ethnic minorities, a Consultative Council on Nationalities had also been created.

66. The current situation of human rights in Latvia could be attributed, in part, to a number of historical factors. In 1940, the Republic had been occupied by and forcibly incorporated into the Soviet Union. During the ensuing terror, tens of thousands of Latvians had been deported or had fled into exile. Subsequently, almost 1 million immigrants from the Soviet Union, mainly Russians, had settled in Latvia, many of them enjoying special privileges. As a result, by 1989 only just over half of the population had been Latvians and Latvians had been in the minority in the country's seven largest cities, including the capital, Riga. After the restoration of independence in 1991, Latvia had been faced with the challenge of integrating its non-Latvian inhabitants, accounting for almost half the population. The process had been steady and peaceful. The immigrant population had been granted all the fundamental rights and freedoms recognized by the international community, while ethnic Latvians had demonstrated tolerance and goodwill. Latvia's State schools provided secondary education in eight languages spoken by national minorities, including Russian.

67. The main requirement for gaining Latvian citizenship was knowledge of the Latvian language. Unfortunately, less than a third of non-Latvians had learned the language, even after years of living in Latvia. The fact that only 1 per cent of persons eligible for citizenship had actually applied for it in 1996 was apparently attributable to their poor knowledge of Latvian. In order

to address that problem, his Government had developed a language learning programme in cooperation with the United Nations Development Programme (UNDP).

68. His Government's commitment to the promotion and protection of human rights was attested to in a statement by the mission of the Organization for Security and Cooperation in Europe (OSCE) in Latvia. Various international experts had visited the country, including the High Commissioner and the Assistant Secretary-General for Human Rights, and had found no evidence of gross or massive human rights violations. The problems which his country undoubtedly faced were the result of Latvia's very particular demographic situation. It was the responsibility of the Russian Federation, as the successor State to the Soviet Union, to cooperate in solving those problems and to build new relations with its neighbours based on tolerance and reconciliation.

69. His Government considered that the provisions of General Assembly resolution 48/155 had been implemented in full and that further consideration of the situation of human rights in Estonia and Latvia, once the debate on agenda item 110 had ended, would serve no useful purpose.

70. Mr. KOCETKOV (Bosnia and Herzegovina) said that exactly one year had elapsed since the signing of the Dayton Peace Agreement. The Agreement had brought peace to Bosnia and Herzegovina and, hopefully, an end to aggression. Zones of separation of military forces had been established, but the nationalist forces were trying to turn their demarcation lines into international borders, thereby resisting the reintegration of a tolerant, multi-ethnic, multireligious and multicultural State. Those forces were still engaging in ethnic cleansing and were impeding the return of displaced persons to their homes. Moreover, the perpetrators of the most serious war crimes remained at liberty.

71. The normalization of life in his country was progressing slowly and with many difficulties. The most important thing, however, was that women and children were no longer being killed by sniper fire and shells; that the availability of food, electricity and water had improved; and that children were back in their classrooms. The reconstruction and restoration of the economy was lagging, however; less than 50 per cent of the resources allocated and pledged for that purpose by the international community had actually been provided, with the result that many people were unemployed, the majority of them young people and demobilized soldiers.

72. Elections had been held for the highest institutions of the State. Despite many difficulties due to obstructionism on the part of the Republika Srpska, the three-man Presidency had started functioning. However, agreement had yet to be reached on the start of work by Parliament and on the composition and establishment of the Council of Ministers and the Constitutional Court.

73. Under such complex political, economic and social conditions, it was very difficult to guarantee the exercise of human rights and freedoms. The situation of human rights in the larger portion of the country's territory was grave, even alarming, especially in the territory of Republika Srpska and in some parts of the Federation which were under the control of the Croat Defence Council. People there were exposed to the tremendous political and psychological pressures and there was discrimination with regard to employment and the

exercise of certain other rights. The nationalist forces were even resisting the process of democratization and the introduction of the rule of law.

74. In accordance with the Dayton Peace Agreement, a Commission for Human Rights had been established, its activities with regard to both past and present human rights violations, such as the burning and destruction of houses to prevent the return of refugees and displaced persons, should be intensified.

75. Despite the extremely difficult conditions prevailing at the time, his Government had succeeded to the main international human rights instruments as early as 1993. It had now ratified the remaining human rights instruments stipulated in the appendix to the Peace Agreement. It was expected that the Parliamentary Assembly, the Presidency and the Council of Ministers, as well as the appropriate local authorities, would establish programmes for the adoption of the necessary regulations and monitoring mechanisms in the area of human rights and fundamental freedoms. Priority would be given to the following aspects: creating conditions conducive to the safe return to their homes of refugees and displaced persons, that being the basic precondition for the country's reintegration, the restoration of pluralism and the beginning of the reconciliation process; freedom of movement throughout the national territory, without which the return of refugees and displaced persons and the work of economic reconstruction could not begin; non-discrimination in respect of employment and the exercise of other rights concerning institutions of law and public administration; and processing of the property claims of refugees and displaced persons so that they could start a new life and resume their economic activities. Considerable assistance from the international community would be necessary to that end. It was also essential to ascertain the truth about the thousands of missing persons; to assist the victims of genocide, rape and abuse; and to bring to justice all instigators and perpetrators of crimes against humanity and grave violations of international humanitarian law.

76. In view of the crucial need for human rights education, a special publication had been produced containing the texts of all the international human rights instruments stipulated in the Dayton Peace Agreement. Given the great disparities existing in the territory of Bosnia and Herzegovina with regard to human rights issues, his delegation requested that, in addition to applying political and diplomatic pressure, the international community should make the provision of assistance for reconstruction and economic rehabilitation conditional upon respect for human rights and fundamental freedoms and full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

Draft resolution A/C.3/51/L.36 on respect for the right to universal freedom of travel and the vital importance of family reunification

77. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, said that the upsurge in international migration in recent years meant that the rights of migrant workers, particularly the right to family reunification, had become more important than ever. The draft resolution called upon Governments, inter alia, to protect the rights of migrant workers and refrain from any form of discrimination against them, and to ensure that they enjoyed the right to send financial remittances to relatives in their countries of origin.

78. The CHAIRMAN informed the Committee that a number of delegations had asked to exercise their right of reply. She invited them to do so.

79. Mr. WANG Min (China), responding to the statement by the United States representative, said that she had made unfounded allegations concerning the human rights situation in China. Instead of being so energetic in accusing others, the United States Government should give greater attention to the well-known serious human rights violations that were occurring in its own country. That Government, which considered itself the leader of the world, had encroached upon the territorial integrity of another State, had imposed economic sanctions against it and was even demanding that third countries abide by United States domestic law. An increasing number of countries objected to such behaviour: they were sovereign States and the United States did not control them and had no right to interfere in their internal affairs.

80. Soon after the establishment of the People's Republic of China, the United States had imposed sanctions against it, but the Chinese people had not been intimidated. The latest slanderous attack on China would not slow the pace of progress in China nor change the development course chosen by its people.

81. Mr. OTUYELU (Nigeria), responding to the statement by the United States representative, said that Nigeria was implementing a comprehensive and credible programme of democratic transition. It was for the Nigerian people, not another State, to determine what was good for them. The transition was under way and many of the measures contained in the transition programme had already been faithfully implemented. Other States should show some understanding and take account of the local conditions prevailing in the country. As for the release of detainees, he recalled that the Government had set up a committee to review the cases of persons who were still in detention. He had recently provided the Committee with a list of detainees who had been released. Regarding the absence of participation by the political opposition in Nigeria, he reminded the United States representative that the elections had not yet been held and that five political parties had been registered and were preparing to compete in local elections. Any Nigerian citizen could choose to join any of those parties.

82. Mr. AL-HUMAIMIDI (Iraq), responding to the statement by the United States representative, said that deference to the international community, as represented in the Committee, precluded him from responding to that statement in the same style and using the same kind of language as the United States representative had used. The State which insisted on starving 20 million Iraqi citizens and maintaining its blockade against Iraq, and which had killed more than 300 children, women and elderly people in one shelter and had used depleted uranium bombs indiscriminately in its aggression against Iraq, should be the last to talk about human rights in the Committee. The statement by the United States representative expressed a compulsively aggressive political stance which had nothing to do with human rights.

The meeting rose at 6.10 p.m.

UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

THIRD COMMITTEE
48th meeting
held on
Friday, 22 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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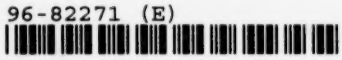

The meeting was called to order at 10 a.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. SHAH (India) said that, in many countries, the human rights situation had not improved much since the Commission's work on the subject in 1995. Some countries continued to violate civil and political rights, while others refused to recognize economic rights or persisted in politicizing human rights issues and resorting to selectivity, thus distorting the principle of the universality, indivisibility and interdependence of human rights that was so central to the Vienna Declaration. Developing countries, particularly those which defended the right to development, were accused of emphasizing economic or developmental rights when what they sought to emphasize was the interrelatedness of all human rights.

2. There was a regrettable tendency, to which his delegation had drawn attention in 1995, to use human rights to reinforce the North-South divide, assert a dubious moral superiority and exercise political pressure against many developing countries. His delegation unequivocally condemned all human rights violations, but also believed that developing countries which practiced and safeguarded democracy and human rights under difficult conditions should be encouraged. The Western countries, which lacked a historical perspective on the question, should practice humility and self-examination.

3. There was also a tendency to confuse symptoms of underdevelopment with conscious human rights violations. At the same time there was a reluctance to address the root causes of such underdevelopment in the form of structural reforms for developing countries. More grave and deliberate violations of human

rights, such as the commercial sexual exploitation of children, tended to be dismissed as necessary evil phenomena of the market place. A more efficacious approach should be adopted by addressing the conditions which created situations of misery, conflict and human rights violations.

4. It was necessary to emphasize the relationships between development, democracy and human rights. In India, democracy and development went hand in hand in a multireligious, multilingual and multicultural society. In that respect, it was significant that certain countries having strong ties with the North had been spared criticism, even though they pursued their development at the expense of democracy and practiced widespread discrimination against women and religious minorities, or committed other serious human rights violations. Such politicization of human rights and the application of double standards simply helped to create cynicism.

5. In the field of human rights, care should be taken to avoid political militancy and to ensure that the carefully established social equilibrium was not disturbed. Confrontation, exclusion and aggressive or terrorist methods would only aggravate the situation and produce fresh violations of human rights. It was therefore essential to adopt a global approach based on the promotion of democracy and the rule of law, as well as on tolerance, respect for pluralism and diversity, human rights education and international cooperation in the economic and social fields.

6. Democracy went hand in hand with development; while democracy provided the best political framework for the safeguarding of human rights, efforts to ensure social and economic rights were also essential to enable people to live in dignity. National institution-building for human rights should likewise be encouraged, as should the promotion through education of a culture of tolerance.

7. Although the Vienna Declaration had identified terrorism as a new form of intolerance and violence and a major threat to the enjoyment of human rights, many Western countries continued to believe that terrorist acts did not fall within the purview of human rights violations. Despite that misguided approach and the zeal with which certain Western countries and organizations seemed to defend the rights of terrorists, his Government was committed to combating terrorism so that India's inhabitants could enjoy their human rights in peace and prosperity.

8. Turning to the report of the United Nations High Commissioner for Human Rights, he said that the High Commissioner should pursue the administrative restructuring of the Centre for Human Rights. It was also crucial that the High Commissioner should have scrupulous regard for his mandate and demonstrate impartiality. Lastly, he urged that the composition of the staff of the Centre for Human Rights and all human rights mechanisms and programmes should reflect a more equitable geographical balance.

9. Mrs. BARGHOUTI (Observer for Palestine) said that the Universal Declaration of Human Rights, the Vienna World Conference on Human Rights and various other human rights instruments had imposed on all States the duty to promote and protect such rights. The exercise of those rights, including the right to development, was a fundamental condition for the establishment of peace,

prosperity and justice in any society. The international community should therefore transform those ideals into concrete action.

10. The worst human rights violations were those committed collectively against a whole people, group, race or ethnicity. In the forefront of the latter were foreign occupation, deprivation of the right to self-determination, different forms of collective punishment and the seizure of a people's natural resources and wealth. All those violations had been committed against the Palestinian people by Israel, the occupying Power. In addition, there were human rights violations carried out against Palestinian individuals, such as detention, summary execution, assassination, obstruction of movement and of means of livelihood, all of which constituted grave violations of international humanitarian law and adversely affected the peace process. All those violations were addressed in detail by the Special Political and Decolonization Committee (Fourth Committee) under agenda item 85, and in the report on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1996/18), submitted by the Special Rapporteur, with whom Israel had consistently refused to cooperate and with whom, by contrast, the Palestinian side was ready to cooperate, provided that he remained within his designated mandate.

11. The beginning of the peace process and the signing of the Declaration of Principles on Interim Self-Government Arrangements in 1993 had raised hopes that that repulsive image of human rights violations would rapidly disappear. Although the reality was different, the Palestinian people still believed in the peace process. It continued to hope that the situation would change and that a just and comprehensive peace would be established in the Middle East.

12. Mr. FERNÁNDEZ PALACIOS (Cuba) said that, three years after the World Conference on Human Rights and 10 years after the adoption of the Declaration on the Right to Development, some countries were still wondering why that right was not respected, as if that state of affairs was not directly attributable to the persistence of an unjust international economic, political and social order. At the World Food Summit recently held in Rome, which it would have been more appropriate to call the "World Hunger Summit", the rich countries had harped shamelessly on human rights, while destroying food surpluses in order to keep prices high, despite the fact that satisfying one's hunger was a fundamental human right and that the starvation of millions was the most flagrant, massive and systematic violation of the right to life. The rich countries wished to make out that the developing countries were solely responsible for their misfortunes, whereas the former had grown rich by subjecting other peoples to colonization and continued to enrich themselves by maintaining the developing countries in an untenable financial situation.

13. He reiterated his support for the efforts made by the High Commissioner for Human Rights to strengthen United Nations human rights mechanisms. He expressed the hope that the General Assembly would be able to make progress in its consideration of the proposal to restructure the Centre for Human Rights and that it would take due account of the views of all Member States in that regard.

14. As in previous years, some developed countries were turning consideration of human rights and of the reports of special rapporteurs and special representatives into a totally subjective rhetorical exercise. Those countries

acted as though the Committee's work on human rights had no application to themselves, and took it upon themselves to give the countries of the South lessons in good behaviour. Yet in the so-called "first world", xenophobia, racism and fascism had reached dangerous levels, and the situation of human rights was a matter of grave concern.

15. The European Union, for example, had a prison population of over 300,000, including political prisoners and conscientious objectors, and the living conditions of detainees left much to be desired. Allegations of overcrowding in prisons, acts of torture and other cruel, inhuman and degrading treatment or punishment were frequent. In Canada, economic development had brought no benefits to the indigenous populations, who were relegated to the lowest rung of the social ladder and who were particularly disadvantaged in the areas of education, access to employment, health and social security. In Japan and Australia, the situation of minority groups, although less serious, still left a good deal to be desired, and Cuba urged the Governments of those two countries to cooperate more closely with the United Nations human rights mechanisms, and in particular with the Subcommission on Prevention of Discrimination and Protection of Minorities.

16. However, it was in the United States of America, the epitome of a rich and developed country, that the most flagrant violations of human rights were committed and that contempt for human dignity was most apparent. The so-called "American dream" was in fact a nightmare for many sectors of the population, whose rights to food, housing, health and education were purely notional. That was true of minorities, who were the target of the most blatant injustice and discrimination; it was true of the indigenous populations, who were obliged to live in what were euphemistically called reservations and to witness the annihilation of their culture; and it was also true of millions of other disadvantaged persons. However, the best illustration of the situation of human rights in the United States was undoubtedly the existence of a particularly repressive judicial and prison system. More than a million persons, most of them young people, filled the country's prisons, conferring on it the dubious distinction of having the highest rate of imprisonment in the world. Furthermore, according to the United States Department of Justice's own data, the rate of imprisonment was six times higher for black Americans than for whites. If that trend continued, by the year 2010 most black Americans between the ages of 18 and 40 would be in prison or re-education camps. In other words, not only was repression severe, but it was also imposed in a discriminatory and racist fashion, as was the death penalty.

17. But none of those matters was ever raised in the Committee when human rights situations were considered; nor was there any reference to them in the press of the developed countries. The principles of objectivity, non-selectivity and non-politicization that the Committee claimed to uphold were flouted, and the debate on human rights was totally distorted.

18. Mr. MEKDAD (Syrian Arab Republic) said that, contrary to the belief of some countries, not all human rights standards were universally applicable. Dialogue and consensus must be promoted in that regard. The international community should consider the question of human rights impartially and should take account of regional specificities and cultural and religious differences.

19. His country attached great importance to civil, political, economic, social and cultural rights, which were guaranteed under its constitution. It had ratified at least 11 international human rights instruments, including the two Covenants and most of the International Labour Organization's conventions. Democracy was constantly advancing in his country, in compliance with international law and cultural and religious traditions. Citizens exercised their rights in a pluralistic political context, and non-governmental human rights organizations were very active. Furthermore, in the past 25 years the Syrian Arab Republic had made great social strides. Convinced that the country could prosper only if women were able to exercise their fundamental rights and play their proper role in society, it had striven, inter alia, to promote the status of women.

20. As for the human rights situation in the occupied Arab territories, the fact that the international community allowed Israel to continue to hide behind a shield of human rights was a mystery; for the fact was that the Jewish State incessantly violated the fundamental rights of the inhabitants of the occupied Palestinian territories, the Syrian Golan and South Lebanon, using the full panoply of repression: torture, murders, systematic destruction, population displacements, evictions, and so on. It gained nothing by claiming that those who resisted its occupation in order to recover their freedom were terrorists, for thanks to the reports of international and non-governmental human rights organizations, it was well known that Israel violated even the most basic rights of the Arab citizens under its control.

21. The greatest threat to human rights in the world currently arose from the fact that some countries used the human rights issue to interfere in the domestic affairs of other States and to promote their own interests. The Committee must therefore first and foremost reiterate the following principles: all countries must be treated on an equal footing; the racist and inhuman practices of ethnic cleansing, foreign occupation and mass expulsions must be eradicated; fundamental rights, whether civil and political or economic, social and cultural, must be defended with equal zeal; countries must cease to interfere in other States' domestic affairs under the pretext of defending human rights and must cease resorting to coercion; and the special rapporteurs and special representatives and United Nations human rights bodies must take care not to stray from their mandates and must not impose their views on States where questions of sovereignty were concerned.

22. The Syrian Arab Republic valued its cooperation with the United Nations human rights bodies, particularly with regard to the training of experts in that area, and was prepared to continue to work towards a safer, more stable, more prosperous and more peaceful world.

23. Mrs. EDWARDS (Marshall Islands) said that no State could justify the denial of people's basic rights on any pretext whatsoever, whether it was lack of economic development, cultural or historical differences, or sovereignty. Governments should therefore accept constructive criticism, particularly from special rapporteurs and the High Commissioner for Human Rights, and should comply with the requests made of them in Third Committee resolutions.

24. A good deal had been said about cultural diversity and its impact on human rights. The Constitution of the Marshall Islands was unique in that it combined

the social traditions of the Pacific islands with human rights theory, demonstrating that the two were often complementary. Respect for fundamental human rights was deeply embedded in what was called the "Pacific way", a sort of unspoken mutual understanding that meant that respect for the basic rights of all came naturally to the peoples of the Pacific islands and that it was natural for them to seek out dialogue, in other words, to practice democracy, a fact of which they were quite proud. In fact, the Constitution of the Marshall Islands enshrined many of the principles contained in the Universal Declaration of Human Rights. Those principles had not been imposed on them from the outside, but rather reflected their deepest desires.

25. The chance to live and develop in peace and security was priceless. The Marshall Islands therefore shared the anguish of all those throughout the world who were denied that chance. It was meaningless to attempt to broaden the scope of human rights as they were currently defined, when the most basic universal principles were being violated throughout the world every day.

26. Her delegation welcomed the efforts of the Centre for Human Rights to promote understanding of the various international human rights instruments. It was not because the Marshall Islands had some sinister ulterior motives that they had not yet ratified those instruments, but simply that they reached to consider all aspects of the matter, particularly the financial and reporting requirements. They were, nonetheless, actively addressing the issues in the various human rights bodies.

27. Mr. POWLES (New Zealand) said that, despite progress in certain areas, human rights violations were still occurring on a scale that, at times, defied imagination. They were therefore a legitimate concern of the international community.

28. In Nigeria, despite some positive developments, notably the release of some prisoners, the establishment of a commission on human rights and the recent visit by the Commonwealth Ministerial Action Group, of which New Zealand had been a member, the lack of respect for human rights remained the major obstacle on the path to democracy. His delegation hoped that Nigeria would implement in full the recommendations of the Secretary-General's fact-finding mission and would pursue its dialogue with the Commonwealth. He urged the Government of Nigeria to release the many political prisoners still being held.

29. In Myanmar, in the absence of a genuine political dialogue between the State Law and Restoration Council (SLORC) and the opposition, it was very difficult to see any signs of national reconciliation, without which there could be no respect for human rights or economic advancement. As the Special Rapporteur had pointed out, the human rights situation in Myanmar remained precarious. His delegation particularly condemned the recent attacks on leaders of the National League for Democracy. It was also disappointing that the Special Rapporteur had not been able to visit the country. He urged the Government of Myanmar to cooperate fully with the Special Rapporteur.

30. In Africa, recent events in the Great Lakes region, especially in eastern Zaire, were deeply disturbing. The continued fighting in the region posed a threat to the citizens of Burundi, Rwanda and Zaire, particularly to refugees. To facilitate the operations to provide humanitarian assistance in the region,

his Government had just made a special financial contribution of NZ$ 100,000 to the Office of the High Commissioner for Refugees.

31. His delegation had stressed to the Third Committee a year earlier that respect for human rights should be an integral part of any peace implementation process in the former Yugoslavia. While it had to be acknowledged that progress had been made, it was equally evident that human rights violations continued to take place in the former Yugoslavia. His delegation urged all parties to implement the human rights provisions of the General Framework Agreement and to cooperate fully with the Special Rapporteur to ensure that persons indicted by the International Tribunal were brought to trial.

32. The Memorandum of Understanding reached in 1996 between Iraq and the Secretary-General on the implementation of the "food for oil" formula was cause for satisfaction. Nevertheless, the international community must closely monitor the implementation of that agreement and ensure the safety of United Nations personnel involved in the operation.

33. Although the cooperative attitude of Iran towards the Special Representative and its requests for technical assistance were encouraging, the deterioration in the human rights situation in that country in recent months was still a cause for concern. It was regrettable that so much remained to be done in Iran in the area of human rights.

34. The deterioration in the human rights situation in Afghanistan, especially after the fighting in the Kabul area had intensified, was extremely disturbing. His delegation called on all parties to the conflict to ensure that the basic rights of all Afghans, particularly those of women and girls, were fully respected.

35. As the Special Representative had noted, the situation in Cambodia remained fragile. Cambodia must strengthen its judicial system, making a special effort to ensure that the system was independent. His delegation supported the recommendations of the Special Representative on the need to establish a legislative framework for the holding of free and fair elections. His Government had been privileged to make a contribution in that area.

36. His delegation attached high priority to regional arrangements, especially in the region of Asia and the Pacific. He welcomed the success of the First Asia-Pacific Regional Workshop of National Human Rights Institutions, held in Darwin, Australia, earlier in the year. The meeting had resulted in a decision to establish an Asia-Pacific forum for human rights institutions. His Government had taken part in that initiative, thereby demonstrating its active interest in establishing strong national human rights institutions. Several countries in the Asia-Pacific region had recently established such institutions or were in the process of doing so, which was a welcome development. Such institutions had a constructive role to play in the Commission on Human Rights.

37. His Government supported efforts to strengthen those institutions through its contribution to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. It was also trying to strengthen legal and administrative institutions in the countries of the region, thereby encouraging respect for human rights, through its official development assistance (ODA)

programme. His delegation was quite convinced that, as a result of such initiatives, human rights would become less an area of discord and increasingly one of cooperation and interaction.

The meeting rose at 11.20 a.m.